S T A T E O F N E W Y O R K

4952

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. V. LOPEZ -- Multi-Sponsored by -- M. of A. CLARK, GLICK -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to authorizing the department of environmental conservation to determine the maximum number of permits for new solid waste management facilities within a given geographic area

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 27-0707 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. THE DEPARTMENT SHALL DETERMINE A REASONABLE DENSITY AND NUMBER OF SOLID WASTE MANAGEMENT FACILITIES THAT MAY BE LOCATED WITHIN ANY DISCRETE NEIGHBORHOOD, HAMLET, OR COMMUNITY BOARD JURISDICTION; THESE GEOGRAPHIC AREAS WILL BE DESIGNATED BY ZIP CODES ASSIGNED BY THE UNITED STATES POSTMASTER GENERAL. IN REVIEWING THE DECISION TO ISSUE A PERMIT IN RELATION TO THE NUMBER AND DENSITY OF SOLID WASTE MANAGEMENT FACILITIES IN A PARTICULAR LOCATION, THE DEPARTMENT SHALL TAKE INTO CONSIDERATION THE GROSS TONNAGE CAPACITY OF EACH FACILITY IN RELATION TO SUCH POPULATION OF THE AREA SERVED. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT IS AUTHORIZED TO DENY ANY ADDITIONAL PERMITS FOR THAT GEOGRAPHIC AREA ONCE THE MAXIMUM NUMBER OF FACILITIES IS REACHED. IN THE CASE OF A GEOGRAPHIC AREA OF A COMMUNITY BOARD, THE MAXIMUM NUMBER OF FACILITIES SHALL BE FIFTEEN.

S 2. This act shall take effect immediately and shall apply to applications submitted on or after such date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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